

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

UNITED STATES OF AMERICA

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CRIMINAL DOCKET NO. 10-344

v.

*

SECTION: K

CARLOS MADONIO UCLES-CANALES

*

a/k/a Carlos Canales

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* * *

FACTUAL BASIS

Should this matter have gone to trial, the government would have proven, through the introduction of competent testimony and admissible, tangible exhibits, the following facts, beyond a reasonable doubt, to support the allegations in the indictment now pending against the defendant:

The Defendant, **CARLOS MADONIO UCLES-CANALES** (hereinafter “**UCLES**”) has agreed to plead guilty as charged to the one-count indictment charging him with illegal reentry of a removed alien in violation of Title 8, United States Code, Section 1326(a).

An Immigration and Customs Enforcement Agent (hereinafter the “agent”) would testify that on or about December 9, 2010, he encountered the defendant, **UCLES**, while assisting a state agency during an investigation at a residence located in Jefferson Parish, in the Eastern District of Louisiana. Upon determining the defendant was illegally in the United States, the defendant was arrested by

Immigration and Customs Enforcement (hereinafter “ICE”) agents for immigration violations.

The agent would testify that, upon questioning **UCLES** under oath after being read his *Miranda* rights, the defendant stated that he was a citizen of Honduras, was illegally in the United States, and had previously been removed. The agent would testify that he confirmed the defendant’s illegal status by performing biographic and biometric database checks through various United States Department of Homeland Security databases. The databases also revealed that the defendant was a citizen of Honduras who had previously been removed from the United States.

Documentation from the records of ICE, contained in the defendant’s Alien file, including a Warrant of Removal/Deportation, complete with the defendant’s fingerprints, photographs and signature, would demonstrate that the defendant, **UCLES**, was removed from the United States to Honduras on or about December 10, 2004, at or near Miami, Florida. A qualified ICE Fingerprint Specialist would testify that the fingerprints of the individual documented in the Alien file containing the Warrant of Removal/Deportation and the fingerprints of the defendant are the same. Documentation from the Alien file would further show that the defendant is an alien, and not a citizen or national of the United States.

Testimony of an official from United States Citizenship and Immigration Services regarding record checks conducted through the Computer Linked Application Information Management System would show that the defendant, **UCLES**, did not receive consent from the United States Attorney General or his designated successor, the Secretary of the Department of Homeland Security, to apply for readmission or receive permission to reenter the United States since the time of the defendant’s previous removal.

Further documents, court records, and other admissible evidence would show that on or about

December 10, 1996, in the Circuit Court of Dade County, Florida, the defendant, **UCLES**, was convicted of attempted second degree murder.

ROBERT WEIR
Special Assistant United States Attorney

Date

CARLOS MADONIO UCLES-CANALES
Defendant

Date

SAMUEL SCILLITANI
Attorney for Defendant

Date